

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LIBERTY NATIONAL LIFE)	
INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.:
)	
Gregory A. Lambe, individually;)	
Kathy Lambe, individually;)	
Gregory A. Lambe, as co-Trustee of)		
The Robert E. Lambe Trust; Kathy))	
Lambe, as co-Trustee of the)	
Robert E. Lambe Trust;)	
)	
Defendants.)	

COMPLAINT IN INTERPLEADER

COMES NOW Plaintiff Liberty National Life Insurance Company ("Liberty National") and files its Complaint in Interpleader alleging the following:

JURISDICTION

1. Liberty National is a Nebraska life insurance company with its principal place of business in Texas.
2. Defendant Gregory A. Lambe, individually and as co-trustee of the Robert E. Lambe Trust, is a citizen of Florida who resides in Marianna, Florida.
3. Defendant Kathy Lambe, individually and as co-trustee of the Robert E. Lambe Trust, is a citizen of Alabama who resides in Birmingham, Alabama.

4. This Interpleader action is brought pursuant to Federal Rule of Civil Procedure 22. This Court has jurisdiction over this matter under 28 U.S.C. § 1332 as there is diversity of citizenship between Liberty National and each of the Defendants, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs. Venue is proper under 28 U.S.C. § 1391 inasmuch as a substantial part of the events giving rise to the claims made the subject of this suit occurred in this venue.

FACTUAL ALLEGATIONS

5. On or about September 27, 2000, Robert E. Lambe applied for a Liberty National life insurance policy in the amount of \$160,000.00. The application named Robert's brother Gregory A. Lambe as primary beneficiary and named Robert's sister Margaret R. Schulz as contingent beneficiary. Robert E. Lambe's application was approved and Liberty National issued Unique Life Protector policy A5356569 effective November 1, 2000 ("the Policy"). Robert E. Lambe was the owner of the Policy. A reproduced copy of the Policy, with application for insurance, is attached as Exhibit "A".

6. On or about March 17, 2014, Liberty National received a Change of Beneficiary form dated February 11, 2014, requesting that the 100% primary beneficiary of the Policy be changed to the "Robert E. Lambe Trust". A true and correct copy of the Change of Beneficiary form is attached as Exhibit "B".

7. On or about March 24, 2014, Liberty National mailed a letter to Robert E. Lambe, advising that the change of beneficiary request could not be processed because he must provide the date of the trust. A true and correct copy of the March 24, 2014 letter, recreated from company records, is attached as Exhibit "C". Liberty National did not receive a response to this letter.

8. On or about April 18, 2016, Robert E. Lambe passed away.

9. On or about May 3, 2016, Gregory A. Lambe submitted to Liberty National a Proof of Death – Claimant's Statement, notifying Liberty National of the death of Robert E. Lambe, and choosing the Policy Settlement Option of "Interest Only Paying Interest Semi-Annually." A true and correct copy of the Claimant's Statement is attached as Exhibit "D".

10. On or about May 25, 2016, Liberty National issued a periodic payment to Gregory A. Lambe pursuant to the Policy, by check payable to Gregory A. Lambe in the amount of \$3,180.32.

11. By letter dated July 30, 2016, an attorney for Kathy Lambe notified Liberty National that the Robert E. Lambe Trust claimed an interest in the Policy proceeds, ostensibly for the benefit of Kathy Lambe.

12. Liberty National was subsequently advised that the claimants intended to mediate and/or arbitrate the dispute among them as to the proper distribution of the remaining proceeds.

13. On or about November 3, 2016, Gregory A. Lambe made a withdrawal of \$3,000 from the Policy proceeds.

14. On or about November 25, 2016, Liberty National issued a periodic payment to Gregory A. Lambe pursuant to the Policy, by check payable to Gregory A. Lambe in the amount of \$3,180.32.

15. On or about May 25, 2017, Liberty National issued a periodic payment to Gregory A. Lambe pursuant to the Policy, by check payable to Gregory A. Lambe in the amount of \$3,120.92.

16. On or about October 12, 2017, Gregory A. Lambe made a withdrawal of \$4,687.50 from the Policy proceeds.

17. Liberty National has now been advised that the claimants have not resolved their dispute as to the distribution of the proceeds.

18. The current balance of the Policy proceeds held by Liberty National is \$155,390.75.

19. Liberty National makes no claim to the Policy proceeds. Gregory A. Lambe, on the one hand, and Kathy Lambe and/or The Robert E. Lambe Trust, on the other hand, have competing claims to the Policy proceeds. Liberty National is in doubt as to which party is entitled to be paid the Policy proceeds. Liberty National therefore files this interpleader action such that this Court may determine and adjudicate these competing claims to the Policy proceeds.

20. Upon obtaining service of process upon the Defendants, Liberty National prays for entry of an order directing payment of the Policy proceeds to the Clerk of Court, and discharging and releasing Liberty National from any further obligation with respect to the Policy proceeds.

WHEREFORE, premises considered, Liberty National seeks entry of an order of this Court as follows:

- a. accepting jurisdiction of this interpleader action;
- b. directing tender and deposit of the Policy proceeds with the Clerk of Court;
- c. requiring the Defendants to interplead and settle between themselves their rights to the Policy proceeds;
- d. permanently restraining the Defendants from instituting or prosecuting any proceeding in any State or United States court affecting the property, instrument or obligation involved in the interpleader action;
- e. discharging and otherwise releasing Liberty National as a party;
- f. awarding Liberty National a reasonable sum for counsel fees and disbursements for the filing of this interpleader action; and
- g. such other relief as may be deemed appropriate.

Respectfully submitted this the 27th day of October, 2017.

/s/ Sharon D. Stuart

Sharon D. Stuart
Attorney for Plaintiff in Interpleader
Liberty National Life Insurance Company

OF COUNSEL:

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Please serve Defendants by Certified Mail to:

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Marianna, Florida 32488

Kathy Lambe
2921 Pump House Road
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